

John McBrearty
928 Delview Drive
Folcroft PA 19032
(610) 534-2002

January 3, 2005

Clerk of Court
United States Court of Appeals for the Eastern District of Pennsylvania

**Re: McBrearty, et al. v. Delaware County Sheriffs Dep't, et al.
Civil Action No. 02-cv-4553**

Dear Clerk of Court:

This letter is an attempt to receive a response. Attached is an appeal request that was sent twice with no response. Why is there a delay? On numerous previous correspondences relating to this complaint there was prompt action on the courthouses behalf. Is there something additional that we must do to get a day in court to appeal? Our last day in court, June 10, 2004 no evidence was presented that proved that the Plaintiffs were notified in a timely manner of the courts decision. Is there a reason we are being denied a jury? Is there a reason we are being denied justice? Anxiously waiting a response.

Very truly yours,

John McBrearty

UNITED STATES COURT OF APPEALS
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**JOHN MCBREARTY;
CARL MCBREARTY; and
NINA MCBREARTY**

v.

**DELAWARE COUNTY SHERIFFS
DEPARTMENT; NORWOOD BOROUGH
POLICE DEPARTMENT; DELAWARE
COUNTY; and MEDIA BOROUGH**

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CIVIL ACTION NO: 02-4553

CERTIFICATE OF SERVICE

I, John McBrearty , hereby state that a true and correct copy of letter to the clerk, has been sent via Certified mail to the following .

Carl DiCampli, Esquire
Margolis Edelstein
The Curtis Center, 4 th floor
Independence Square West
Philadelphia, PA 19106-3304

Thomas Gallagher, Esquire
Holsten & Associates
One Olive Street
Media, PA 19063

Clerk of Court
United States District Court
601 Market Street
Philadelphia, PA 19106-1797

John, Carl & Nina McBrearty
Hand delivered
928 Delview Drive
Folcroft, PA 19032-1706

Honorable Legrome D. Davis
Judge, United States District Court for
the Eastern District of Pennsylvania
United States Courthouse, Room 5918
601 Market Street
Philadelphia, PA 19106

January 3, 2005

John McBrearty

JOHN McBREARTY
928 DELVIEW DRIVE
FOLCROFT PENNSYLVANIA 19032
(610) 534-2002

IN THE UNITED STATES COURT OF APPEALS
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN McBREARTY
CARL McBREARTY
NINA McBREARTY

Plaintiff

vs.

DELAWARE COUNTY SHERRIFFS DE-
PARTMENT ,
NORWOOD BOROUGH POLICE DE-
PARTMENT,
DELAWARE COUNTY

Defendant

CIVIL ACTION NO. 02-4553

PETITION FOR A TIME EXTENSION TO FILE AN APPEAL

Dear Court of appeals administrator:

The Plaintiffs were notified on 5/5/04 that our case was closed on 2/24/04.

None of the Plaintiffs were ever notified. I found out after calling the courthouse to find out what was happening since the time had expired. The clerks office said they would send us a copy.

We are petitioning for a time extension on the due date for filing an appeal.

Sincerely,

John McBrearty

UNITED STATES COURT OF APPEALS
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**JOHN MCBREARTY;
CARL MCBREARTY; and
NINA MCBREARTY**

v.

**DELAWARE COUNTY SHERIFFS
DEPARTMENT, NORWOOD BOROUGH
POLICE DEPARTMENT, and DELAWARE
COUNTY**

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CIVIL ACTION NO: 02-4553

CERTIFICATE OF SERVICE

I, John McBrearty , hereby state that a true and correct copy of Petition for a time extension to file an appeal, has been sent via First Class mail to the following .

Carl DiCampi, Esquire
Margolis Edelstein
The Curtis Center, 4 th floor
Independence Square West
Philadelphia, PA 19106-3304

Thomas Gallagher, Esquire
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John ,Carl & Nina McBrearty
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928 Delview Drive
Folcroft, PA 19032-1706

United States Court of Appeals for the
Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106

November 20, 2004

December 4, 2004

John McBrearty